THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION Nos.5363, 5454, 5459, 5462, 5469 and 5555 of 2007

Between:

M/s.B.Lakshmareddy Ware House (Godown) and others.

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PETITIONERS

and

The Special Tahasildar,
Vigilance and enforcement Department, and others.

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RESPONDENTS

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COMMON ORDER:

In all these writ petitions, the stocks of the petitioners were seized by the officials of the respondents. Basing on the said seizure, 6-A proceedings have been initiated by the concerned District Collectors.

Questioning the said action of the respondents, batch of writ petitions have been filed before this court and one of such writ petition is W.P.No.3761 of 2007. This court, through order, dated 27-02-2007, disposed of W.P.No.3761 of 2007, upholding the validity of G.O.Ms.No.64, dated 29-03-2006 and the seizure of stocks, but insofar as the similar impugned orders directing sale of the seized goods by way of public auction, pending disposal of 6-A proceedings, are held to be illegal and arbitrary.

In W.P.No.3761 of 2007, dated 27-02-2007, this court held thus:

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> "(d) Declares that the order of sale by the notification, dated 24-02-2007 is invalid as the Collector or the appropriate competent authority failed to arrive at and record the requisite, opinion contrary to the madate of Sec.6A(2). It is however declared that it is open to the appropriate and competent authority including the Collector (in conformity with the observations and analyses in this judgment), to proceed from the stage of forming the appropriate opinion and recording it in a verifiable manner and to thereafter proceed to act in accordance with the decision arrived at on the basis of such opinion."

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Following the aforesaid direction, these writ petitions are disposed of in terms of and in accordance with the same. Further, the Collector/Joint Collector is directed to consider and dispose of the applications filed or to be filed by the petitioners for interim release of the seized goods, pending disposal of 6-A proceedings, in accordance with law. There shall be no order as to costs.

20-03-2007

Note:

Issue C.C. in two days

(B/o)

Prv